



IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of: Philip R. Thrift, et al.

Serial No.: 09/811,231

Filed: 03/16/2001

For: VOICE ACTIVATED APPARATUS FOR ACCESSING  
INFORMATION ON THE WORLD WIDE WEB

Docket No.: TI-20205.1

Examiner: Chawan, V.

Art Unit: 2641

Conf. No.: 3125

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NOV 08 2002

Technology Center 2600

APPEAL BRIEF TRANSMITTAL FORM

Assistant Commissioner for Patents

Washington, DC 20231

Dear Sir:

MAILING CERTIFICATE UNDER 37 C.F.R. § 1.8 (A)

I hereby certify that on this day this correspondence is being deposited with the US Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, DC 20231.

 11/4/2002  
Elizabeth Austin Date

Transmitted herewith in triplicate is an Appellant's Brief in the above-identified application.

Charge any additional fees, or credit overpayment to the deposit account of Texas Instruments Incorporated, Account No. 20-0668. An original and two copies of this sheet are enclosed.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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#13 / Appeal Brief  
11/9/02  
h.s.

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**APPELLANTS' BRIEF**

**Technology Center 2600**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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I hereby certify, that on this date, this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, DC 20231.

*Elizabeth Austin*  
Elizabeth Austin

*11/4/2002*  
Date

Dear Sir:

In support of this appeal of the Final Rejection of claims in the above-referenced application, Appellants respectfully submit herein their Brief.

**I. REAL PARTY IN INTEREST**

Texas Instruments Incorporated is the real party in interest.

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**II. RELATED APPEALS AND INTERFERENCES**

U.S. Patent Application 08/419,229, the parent of the present application, received an adverse decision from the Board of Appeals that was subsequently appealed to the U. S. Court of Appeals for the Federal Circuit. The Board's Decision regarding Claims 11-19 was vacated and

remanded by the Court to the Board for further proceeding consistent with the Court's opinion on August 9, 2002.

### **III. STATUS OF CLAIMS**

Claims 20-36 are pending in the application. Final Rejection of Claims 20-36 was made by the Examiner in the Office Action dated March 27, 2002. Claims 20-36 are on appeal. Claims 20-36 are reproduced in the Appendix to Appellants' Brief filed herewith.

### **IV. STATUS OF AMENDMENTS**

Appellant filed an amendment under 37 C.F.R. 1.116 on April 26, 2002, requesting reconsideration, in response to the final rejection of March 27, 2002. In the Advisory Action dated May 20, 2002, the Examiner states that Applicants arguments are not persuasive.

### **V. SUMMARY OF THE INVENTION**

#### **a) Background**

The Internet is the largest network of computer systems in the world. Technically, it's the global network that connects huge numbers of networks to one another. The Internet was initially implemented by the government as a network of military computers, defense contractors, and universities performing defense research. The original agency in charge of the Internet was the Advanced Research Procurement Agency (ARPA) and the network became known as the ARPANET. It mainly allowed sharing of information in the research being performed between the various sites, but also gave the government a means to research communication security and integrity in conditions like atomic attacks and associated electro-magnetic effects. However, the Internet has evolved from a primarily defense oriented network, to a multipurpose network that

connects almost every other kind of computer to the original ARPANET, and thus defining the Internet.

Currently, the Internet links together the massive online service bureaus, such as Compuserve, Prodigy and America Online. It also links together hundreds of thousands of universities, government agencies, and corporations located in almost a hundred countries around the world. It reaches out to small offices, school rooms, and even individual homes.

From a user's perspective, the Internet is a truly massive resource of services. This network gives a user access to the world's largest online source of reference information, publicly distributed software, and discussion groups, covering virtually every topic one could reasonable imagine and an embarrassingly high number of topics that one could not. A subsection of the information contained by the computers on the Internet is called the World Wide Web (heretofore known as WWW or Web). The Web consists of a system of information sites that connect through a series of hyperlinks. Hyperlinks allow a user to use a cursor (mouse) to either point and click at a highlighted hyperlink (a highlighted hyperlink could be either text or a graphic) or enter a number corresponding to the highlighted link. Activating the highlighted hyperlink will access either another site, an audio clip, a video clip, a graphic, text based information or other types of multi-media information being developed every day.

The Web is also very dynamic. Hyperlinks are often created and destroyed on a minute-by-minute basis, and in fact, many hyperlinks are generated "on-the-fly" by computer software in response to a specific query for information, pointing to other information created just to answer the specific query. Any user gathering information or software used to assist gathering of information from the Internet needs to comprehend the highly dynamic and changing nature of hyperlinks.

This almost unlimited amount of information is very hard to digest without some sort of organization. A common software tool to organize the vast amount of information is called a "browser". This common software tool utilizes a common programming language that defines

hyperlinks and the other information presented on the screen. The common programming language is called Hypertext Markup Language (HTML) (Hypertext is commonly referred to mean any hyperlink to multi-media information and will heretofore be interchangeable with hyperlink). There are several browsers being used for the World Wide Web. The National Center for Supercomputing Application (NCSA) has contributed a browser called NCSA Mosaic and was probably the most widely used browser at the time of the present invention. Other browsers have been developed by software companies and/or online service providers (e.g. Netscape, America Online, ...).

Most browsers offer the quite useful concept of a "hotlist" for a user to store and retrieve interesting or frequently used Uniform Resource Locations (URLs). After a short time, however, the hotlist can grow to the point where desired information becomes difficult to find. Besides the sheer number of items to examine, names of hotlist entries that seem perfectly reasonable at the time of entry do not seem to associate well with the corresponding page over days or weeks. Also, because of the dynamic nature of the Internet, most hotlists become "stale" after a few days, or even a few minutes. It is often impractical to remember these dynamic links in a hotlist at all.

#### b) The invention

The present invention describes a speech interface to the Web that allows easy access to information and a growth path toward intelligent speech user agents. More particularly, the invention implements a novel interface that lets a user surf the Web by voice, including simple command control of the browser, a voice controlled hotlist that allows for syntactic variation, voice control of the dynamically changing set of link names encountered, and voice queries in the context of Smart Pages. Further, the ability to handle a flexible vocabulary, coupled with the ability to dynamically modify grammars (for a particular utterance or application - the set of words and phrases that a recognizer is constrained to recognize) allows the invention to support grammars particular to a Web page. These features are utilized to support a Speakable Hotlist, speakable links, and smart pages in the speech user agent. Voice activated control information is embedded in HTML pages as delivered on the World Wide Web. The voice control information

is encoded in a grammar language and is interpreted by a Web client user-agent that translates user utterances into client actions. The user may also query the page about its functionality.

The invention contemplates a continuous, real-time, flexible vocabulary speech interface to the Web as an integral part of building an intelligent speech user agent. In addition to speakable control words (e.g., "scroll down", "back", etc.), Internet browsers can be made speech aware in three distinct ways. First, the speech interface implements the idea of a Speakable Hotlist of Internet sites. Second, the speech interface includes Speakable Hyperlinks. This involves some lexical challenges (e.g., "DOW DOWN 1.68 at 11") and on-the-fly pronunciation generation and dynamic grammar modification. Furthermore, Smart Pages have been implemented, making it possible to associate a grammar with any Web page. In this way, the speech interface knows the language for that page, recognizes sentences using that language, and passes the result back to the page for interpretation. To avoid coverage issues, each Smart Page can briefly describe the language to the user. With this approach, knowledge can be effectively distributed rather than attempt to construct an omniscient user agent.

Like the hyperlinks themselves, the grammar associated with a Smart Page can be changed with the page itself, or be automatically generated simultaneously with the information and hyperlinks dynamically generated for the page. The new Smart Page grammar is immediately available to the person browsing the newly generated page using the present invention.

In one embodiment, the invention is a voice activated hypermedia system using grammatical metadata, the system comprising: a speech user agent; a browsing module; and an information resource located on a computer network wherein the speech user agent facilitates voice activation of the network browsing module to access the information resource. The system may include: embedded intelligence in hypermedia source; a means for processing the actions of a user based on the embedded intelligence; a means for returning a result of the action to the user. In addition, the hypermedia source may be an HTML page or an instructional module for communicating allowed actions by a user. The system may also include embedded intelligence

as a grammar or reference to a grammar. The grammar may be dynamically added to a speech recognizer. In addition, the actions can come from a speech recognizer. Furthermore, the system may include voice activated hypermedia links and intelligent modules that process information from the information resources for allowing actions from the user. Other devices, systems and methods are also disclosed.

## **VI. ISSUES**

1) Are Claims 20-26, 29, and 35-36 anticipated by Hosur et al. (U.S. Patent No. 5,774,859) under 35 U.S.C. § 102(e)?

2) Are Claims 28, 30-34 unpatentable over Hosur et al. (U.S. Patent No. 5,774,859) as applied to Claim 21 above, and further in view of Arons ("Hyperspeech: navigating n speech-only hypermedia", Proceedings of the third annual ACM conference on Hypertext, December 15-18, 1991, pages 133-146) under 35 U.S.C. § 103(a)?

## **VII. GROUPING OF CLAIMS**

Claims 20-36 stand separately.

## **VIII. ARGUMENT**

### **The Rejection**

Claims 20-26, 29, 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Houser et al., (5,774,859).

As per claims 20, Houser et al., teach an apparatus comprising:  
a speech user agent (abstract – “the system includes a ... information in accordance with the recognized utterances of the speaker”); and,

a browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet (Col. 11, lines 47-50).

As per claim 21, Houser et al., teach the apparatus of claim 20, wherein said access of said information resource is accomplished in part through the use of a grammar embedded in said information resource, (Co. 8, lines 29-38).

As per claims 22, Houser et al., teach the apparatus of claim 21, further including a means for processing the verbal directions of a user based on said grammar, (Col. 8, lines 29-38).

As per claim 23, Houser et al., teach the apparatus of claim 22, further including a means for returning a result of said verbal directions to said user (Col. 11, lines 42-50).

As per claim 24, Houser et al., teach the system of claim 21, teach Internet service (Col. 11, line 50), which has as its resource an HTML page (Col. 30, lines 6-18).

As per claim 25, Houser et al., teach the apparatus of claim 20, further including an instructional module for communicating allowed actions by a user (Col. 18, lines 14-20).

As per claim 26, Houser et al., teach the apparatus of claim 21, wherein said embedded grammar is a smart page grammar which is inherent in a hypermedia system such as the Internet (Col. 11, lines 47-50).

As per claim 27, Houser et al., teach embedded grammar as a reference to a grammar on an information resource (Col. 14, line 61 – Col. 15, line 18).



As per claim 29, Houser et al., teach the apparatus of claim 22, wherein said actions come from a speech recognizer (abstract).

Claim 35 is an apparatus claim similar in scope and content of claim 20 and is rejected under similar rationale.

Claim 36 is a method claim similar in scope and content of the apparatus of claim 20 and is rejected under similar rationale.

Claims 28, 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houser et al., (5,774,859) as applied to claim 21 above, and further in view of Arons ("Hyperspeech: navigating in speech-only hypermedia", Proceedings of the third annual ACM conference on Hypertext, December 15-18, 1991, pages 133-146).

Houser et al., while teaching, connecting and accessing data on the Internet do not specifically teach dynamically adding grammar to a speech recognizer, extracting a grammar from a hypermedia source, automatically producing an intelligent grammar from said information source, processing said grammar to produce a reference to said hypermedia source, and tokenizing a title for addition into said grammar. Arons teaches dynamically adding grammar to a speech recognizer, extracting a grammar from a hypermedia source, automatically producing an intelligent grammar from said information source, processing said grammar to produce a reference to said hypermedia source, and tokenizing a title for addition into said grammar (abstract, sections "Plans for future versions", sections "Software version", and "The links").

It would have been obvious to one with ordinary skill in the art at the time of invention to implement navigating in speech only hypermedia as taught by Arons, because this would greatly reduce manual intervention, and, at the same time provide the user with much needed access to an information resource such as the World Wide Web or the Internet.

## APPELLANT'S ARGUMENT

1) Claims 20-26, 29, 35-36 are patentable under 35 U.S.C. 102(e) over Houser et al., (5,774,859) under 35 U.S.C. § 102(e), as set forth below.

In order that the rejection of any of Claims 20-26, 29, 35-36 be sustainable, it is fundamental that “each and every element as set forth in the claim be found, either expressly or inherently described, in a single prior art reference.” Verdegall Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also, Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), where the court states, “The identical invention must be shown in as complete detail as is contained in the ... claim”.

Furthermore, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Independent Claim 20 requires and positively recites, an apparatus, comprising: “a speech user agent” and “**a browsing module for the world wide web being responsive to said speech user agent**, said speech user agent facilitating voice activation of **said browsing module to access an information resource on the world wide web**”.

Independent Claim 35 requires and positively recites, an apparatus, comprising: “a speech user agent for accessing **a browsing module for the world wide web**, said speech user agent facilitating voice activation of **said browsing module to access an information resource on the world wide web**”.

Independent Claim 36 requires and positively recites, a method, comprising: “**embedding voice activated control information in HTML pages as delivered on the World Wide Web**, wherein said voice control information is **encoded in a grammar language** and is interpreted **by a Web client user-agent that translates user utterances into client actions**”.

In contrast, the Houser reference discloses: “a system for **controlling a device such as a television AND for controlling access to broadcast information** such as video, audio, and/or text information ... in which ... **a processor** executes a speech algorithm using the received vocabulary data to recognize the utterances of the speaker AND for **controlling the device AND the access to the broadcast information in accordance with the recognized utterances of the speaker**”, (Abstract, lines 1-3 and 6-11).

Further, Houser states in its Summary of the Invention, “the present invention adds a speech recognition interface to a subscriber terminal unit in an information system for implementing spoken control of electronic devices at subscriber location and of ACCESS to information transmitted to the subscriber terminal unit” (col. 2, lines 19-23). Accordingly, Houser is not concerned with ACCESSING an **information resource on the Internet** – it is concerned with ACCESSING information already transmitted to the subscriber unit but perhaps inaccessible because it is scrambled or encoded in some manner. Applicants further point out that “broadcast information” is a one-way transmission from one location to MANY receiving stations – NOT transmission from one information resource on the World Wide Web to one receiving station as in the present invention. Indeed, Houser seems to be concerned with subscription television systems, including cable television systems, so-called near video-on-demand services in which information is “broadcast” to all the stations but is not “accessible” to stations not enabled to access the selected “broadcast” information. The Communications Standard Dictionary defines the term “broadcast”, 1989, as being:

The transmission method whereby **any number of organization, unit, ship, aircraft, or other stations may receive messages transmitted from a designated station**. Transmission is usually in the form of radio, television, or radiotelephone signals (see copy enclosed).

The Communications Standard Dictionary defines the term “broadcast-communication method”, 1989, as being:

1. A method of transmitting messages or information **to a number of receiving stations that make no receipt**.
2. A method of communication in which a message

is broadcast and the address does not furnish a receipt. This allows the receiver to maintain radio silence. It is used by shore stations to transmit messages to ships at sea, to aircraft in flight or to units in the field (see copy enclosed).

Accordingly, Houser's teaching of accessing "broadcast information", is not relevant to the present invention.

Applicants acknowledge that Houser states: "information request processor 156 **may also** access a communication network 158 in order to provide subscriber access to services such as the Internet" (col. 11, lines 47-50). Houser specifically states, "processor 156 **may also** access a communication network 158", but what does "may also" mean? Does processor 156 have the capability or not? "May also" is not definitive. Further, even assuming, arguendo, that the language "may also" is the equivalent of "capable of" Houser does not disclose how or through what means processor 156 is capable of accessing communication network 158 in the event it is the Internet. Where is the discussion of a "browser" in Houser? A "browser" is only applicable to software that moves documents on the World Wide Web to YOUR computer (see technical definition provided by the Examiner) – NOT to multiple computers. No "browser" is taught or suggested by Houser.

The Examiner further argues that "the definition of the "browser" is the software which moves documents on the World Wide Web to your computer" (Office Action dated March 27, 2002, page 5, lines 16-17). Similarly, the Examiner further argues that "browser is also a way one can access and gather information from the Internet which is taught by Houser et al., using user inputted voice or speech commands" (Office Action dated March 27, page 5, line 19 – page 6, line 2). As Appellants pointed out above, Houser does not mention a "browser". Similarly, Houser does not suggest a "browser". The Examiner's above determination Houser teaches a "browser" is supposition not supported by fact.

Houser further states that such access is "to provide subscriber **access to services** such as the Internet". But Appellants are not claiming "access to services" or "access to the Internet" in Claims 20, 35 and 36, as suggested by the Examiner. In Claims 20 and 35, Appellants claim "said

speech user agent facilitating voice activation of said browsing module **to access an information resource on the World Wide Web**". Accordingly, Appellants are claiming "access to an information resource on the world wide web", not "access to the world wide web", as suggested by the Examiner.

Further, since Houser fails to teach or suggest how it will provide subscriber **access to an information resource** on the Internet, it similarly fails to teach or discuss HTML pages as delivered on the Internet, and further fails to teach or discuss "embedding voice activated control information in HTMO pages as delivered on the World Wide Web", as required by Claim 36.

Appellants respectfully point out that Houser fails to teach or suggest anything relating to a "browser", a "browsing module for the Internet" and/or that such "browsing module" can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **"browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet"**, as required by Claim 20, or "a speech user agent for accessing a **browsing module for the world wide web**, said speech user agent facilitating voice activation of **said browsing module to access an information resource on the world wide web**", as required by Claim 35, or **"embedding voice activated control information in HTML pages as delivered on the World Wide Web**, wherein said voice control information is **encoded in a grammar language and is interpreted by a Web client user-agent that translates user utterances into client actions**", as required by Claim 36. The 35 U.S.C. 102(e) rejection of Claims 20, 35 and 36 is overcome.

Claims 21-26 and 29 stand allowable as depending from allowable claims and including further limitations not taught or suggested by the references of record.

Claim 21 further defines the apparatus of Claim 20, wherein said access of said information resource is accomplished in part through use of a grammar embedded in said information resource. As pointed out by Appellants above, Houser fails to teach or suggest

anything relating to a “browser”, a “browsing module for the Internet” and/or that such “browsing module” can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **“browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet”**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 21’s additional requirement that, “wherein said access of said information resource is accomplished in part through use of a grammar **embedded in said information resource**”, is not taught by Houser. Houser discloses that “grammar information which specifies HOW the words and commands may be used” (col. 8, lines 30-31), is stored “in memory of terminal unit 16” (col. 8, lines 36-38) – NOT in the “information resource”, as required by Claim 21. Accordingly, the 35 USC 102(e) rejection of Claim 21 is erroneous.

Claim 22 further defines the apparatus of Claim 21, further including a means for processing the verbal directions of a user based on said grammar. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a “browser”, a “browsing module for the Internet” and/or that such “browsing module” can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **“browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet”**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 21’s additional requirement that, “wherein said access of said information resource is accomplished in part through use of a grammar **embedded in said information resource**”, is not taught by Houser. Houser discloses that “grammar information which specifies HOW the words and

commands may be used” (col. 8, lines 30-31), is stored **“in memory of terminal unit 16”** (col. 8, lines 36-38) – NOT in the “information resource”, as required by Claim 21. Accordingly, the 35 USC 102(e) rejection of Claim 21 is erroneous.

Even if, arguendo, the 35 USC 102(e) rejection of Claim 21 is not improper, Claim 22’s additional requirement that, “further including a means for processing the verbal directions of a user **based on said grammar**”, is not taught by Houser. Houser discloses that “grammar information which specifies HOW the words and commands may be used” (col. 8, lines 30-31), is stored **“in memory of terminal unit 16”** (col. 8, lines 36-38) – NOT in the “information resource”. Accordingly, assuming, arguendo that Houser teaches any means for processing verbal direction of a user, it must be based on grammars from distribution center 12 – NOT on grammars from the information resource, as required by Claim 22. Accordingly, the 35 USC 102(e) rejection of Claim 22 is erroneous.

Claim 23 further defines the apparatus of Claim 22, further including a means for returning a result of said verbal directions to said user. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a “browser”, a “browsing module for the Internet” and/or that such “browsing module” can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **“browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet”**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, arguendo, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 21’s additional requirement that, “wherein said access of said information resource is accomplished in part through use of a grammar **embedded in said information resource**”, is not taught by Houser. Houser discloses that “grammar information which specifies HOW the words and commands may be used” (col. 8, lines 30-31), is stored **“in memory of terminal unit 16”** (col. 8,

lines 36-38) – NOT in the “information resource”, as required by Claim 21. Accordingly, the 35 USC 102(e) rejection of Claim 21 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 21 is not improper, Claim 22’s additional requirement that, “further including a means for processing the verbal directions of a user **based on said grammar**”, is not taught by Houser. Houser discloses that “grammar information which specifies HOW the words and commands may be used” (col. 8, lines 30-31), is **stored “in memory of terminal unit 16”** (col. 8, lines 36-38) – NOT in the “information resource”. Accordingly, assuming, *arguendo* that Houser teaches any means for processing verbal direction of a user, it must be based on grammars from distribution center 12 – NOT on grammars from the information resource, as required by Claim 22. Accordingly, the 35 USC 102(e) rejection of Claim 22 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 22 is not improper, Claim 23’s additional requirement that, “a means **for returning a result of said verbal directions to said user**”, is not taught by Houser. Houser discloses a subscription television system 100 that provides information to a plurality of subscriber locations (col. 11, lines 42-50) Nowhere does Houser teach that this is in response to a user’s request, nor does it teach that it is in response to “verbal directions from a user”, as required by Claim 23. Accordingly, the 35 USC 102(e) rejection of Claim 23 is erroneous.

Claim 24 further defines the apparatus of Claim 21, wherein said information resource is an HTML page. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a “browser”, a “browsing module for the Internet” and/or that such “browsing module” can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **“browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet”**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.



Even if, arguendo, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 24's additional requirement that, "wherein **said information resource is an HTML page**", is not taught by Houser. Contrary to the Examiner's assertion that Houser "teaches Internet service (Col. 11, line 50), which has as its resource an HTML page (Col. 30, lines 6-18)" (Office Action dated March 27, 2002, page 3, lines 7-9), Houser provides no such teaching. Nowhere does Houser disclose an HTML page or that such HTML page is said information resource, as required by Claim 24. Accordingly, the 35 USC 102(e) rejection of Claim 24 is erroneous.

Claim 25 further defines the apparatus of Claim 20, further including an instructional module for communicating allowed actions by a user. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a "browser", a "browsing module for the Internet" and/or that such "browsing module" can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a "**browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet**", as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, arguendo, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 25's additional requirement "further including a instructional module for communicating allowed actions by a user", is not taught by Houser. While Houser discloses "when a display is provided which includes text which may be spoken as a command or a recognized word, such commands or recognized words are preferably highlighted in some manner, such as by coloring them green in a manner similar to that in which keywords are highlighted in the Microsoft's Windows Help features in order to cure the user" (Col. 18, lines 14-20), Houser does not teach that such display is from "an instructional module" or that such "is for communicating allowed actions by a user", as required by Claim 25. Accordingly, the 35 USC 102(e) rejection of dependent Claim 25 is erroneous.

Claim 26 further defines the apparatus of Claim 21, wherein said embedded grammar is a smart page grammar. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a “browser”, a “browsing module for the Internet” and/or that such “browsing module” can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **“browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet”**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of dependent Claim 20 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 21’s additional requirement that, “wherein said access of said information resource is accomplished in part through use of a grammar **embedded in said information resource**”, is not taught by Houser. Houser discloses that “grammar information which specifies HOW the words and commands may be used” (col. 8, lines 30-31), is stored **“in memory of terminal unit 16”** (col. 8, lines 36-38) – NOT in the “information resource”, as required by Claim 21. Accordingly, the 35 USC 102(e) rejection of Claim 21 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 21 is not improper, Claim 26’s additional requirement that, “wherein **said embedded grammar is a smart page grammar**”, is not taught by Houser. Houser discloses nothing more than “information request processor 156 may also access a communications network 158 in order to provide subscriber access to services such as the Internet” (Col. 11, lines 47-50). Nowhere does Houser teach or suggest “smart page grammars”. Similarly, the Examiner has provided no evidence that at the time of the present invention, smart page grammars were inherent in a hypermedia system such as the Internet. The Examiner’s determination is supposition not supported by fact. Accordingly, the 35 USC 102(e) rejection of Claim 26 is erroneous. 38) – NOT in the “information resource”. Accordingly, assuming, *arguendo* that Houser teaches any means for processing verbal direction of a user, it must be based on grammars from distribution center 12 – NOT on grammars from the information resource, as required by Claim 22. Accordingly, the 35 USC 102(e) rejection of Claim 22 is erroneous.

Claim 27 further defines the apparatus of Claim 21, wherein said embedded grammar is a reference to a grammar located in said information resource. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a “browser”, a “browsing module for the Internet” and/or that such “browsing module” can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **“browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet”**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, arguendo, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 21’s additional requirement that, “wherein said access of said information resource is accomplished in part through use of a grammar **embedded in said information resource**”, is not taught by Houser. Houser discloses that “grammar information which specifies HOW the words and commands may be used” (col. 8, lines 30-31), is stored **“in memory of terminal unit 16”** (col. 8, lines 36-38) – NOT in the “information resource”, as required by Claim 21. Accordingly, the 35 USC 102(e) rejection of Claim 21 is erroneous.

Even if, arguendo, the 35 USC 102(e) rejection of Claim 21 is not improper, Claim 27’s additional requirement that, “wherein **said embedded grammar is a reference to a grammar located in said information resource**”, is not taught by Houser. Houser discloses nothing more than “head-end installation 125 transmits vocabulary data representative of a vocabulary of spoken sounds or words to subscriber terminal units 160 – this vocabulary provides, for example, for spoken control for devices 162-1, ..., 162-n and for spoken control of access to information transmitted by head-end installation 125)” (Col. 14, lines 61-67). Nowhere does Houser teach or suggest **“wherein said embedded grammar is a reference to a grammar located in said information resource”**, as required by Claim 27. The Examiner’s determination is supposition not supported by fact. Accordingly, the 35 USC 102(e) rejection of Claim 27 is erroneous.

Claim 29 further defines the apparatus of Claim 22, wherein said actions come from a speech recognizer. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a “browser”, a “browsing module for the Internet” and/or that such “browsing module” can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **“browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet”**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 21’s additional requirement that, “wherein said access of said information resource is accomplished in part through use of a grammar **embedded in said information resource**”, is not taught by Houser. Houser discloses that “grammar information which specifies HOW the words and commands may be used” (col. 8, lines 30-31), is stored **“in memory of terminal unit 16”** (col. 8, lines 36-38) – NOT in the “information resource”, as required by Claim 21. Accordingly, the 35 USC 102(e) rejection of Claim 21 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 21 is not improper, Claim 22’s additional requirement that, “further including a means for processing the verbal directions of a user **based on said grammar**”, is not taught by Houser. Houser discloses that “grammar information which specifies HOW the words and commands may be used” (col. 8, lines 30-31), is stored **“in memory of terminal unit 16”** (col. 8, lines 36-38) – NOT in the “information resource”. Accordingly, assuming, *arguendo* that Houser teaches any means for processing verbal direction of a user, it must be based on grammars from distribution center 12 – NOT on grammars from the information resource, as required by Claim 22. Accordingly, the 35 USC 102(e) rejection of Claim 22 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 22 is not improper, Claim 29’s additional requirement that, “wherein said actions come from a speech recognizer”, is not taught by Houser. Houser simply does not teach or suggest the previously discussed requirements of Claims

20, 21 and 22, upon which Claim 29 depends. Accordingly, the 35 USC 102(e) rejection of Claim 29 is erroneous.

2) Claim 28, 30-34 stand allowable under 35 U.S.C. 103(a) over Houser as applied to claim 21 above, and further in view of Arons, as set forth below.

Claim 28 further defines the apparatus of Claim 21, wherein said grammar is dynamically added to a speech recognizer. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a “browser”, a “browsing module for the Internet” and/or that such “browsing module” can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **“browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet”**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, arguendo, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 21’s additional requirement that, “wherein said access of said information resource is accomplished in part through use of a grammar **embedded in said information resource**”, is not taught by Houser. Houser discloses that “grammar information which specifies HOW the words and commands may be used” (col. 8, lines 30-31), is stored **“in memory of terminal unit 16”** (col. 8, lines 36-38) – NOT in the “information resource”, as required by Claim 21. Accordingly, the 35 USC 102(e) rejection of Claim 21 is erroneous.

Even if, arguendo, the 35 USC 102(e) rejection of Claim 21 is not improper, Claim 28’s additional requirement that, “said **grammar is dynamically added to a speech recognizer**”, is not taught or suggested by Houser or any combination of Houser and Arons. The Examiner explicitly admits that Houser does not teach or suggest, “said **grammar is dynamically added to a speech recognizer**” by relying upon Arons for such teaching (Office Action dated March 27, 2002, page 4, line 22 – page 5, line 1). Appellant respectfully point out, to the contrary, that at best, Arons

discloses nothing more that Aaron's database can be "dynamically extended" – it discloses nothing whatsoever about "said **grammar is dynamically added to a speech recognizer**". Accordingly, the Examiner's determination about the teaching of Arons is supposition not supported by fact (hindsight reconstruction).

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). It is clear from the above discussion that all of the limitations of Claim 28 are not taught or suggested by the Houser and Arons references.

Even if, arguendo, all of the claims limitations were present, "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, **absent some teaching or suggestion supporting the combination**. Under section 103, teachings of references can be combined **ONLY if there is some suggestion or incentive to do so**." ACS Hosp. Systems, Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. **The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification**. In re Gordon, 733 F.2d at 902, 221 USPQ at 1127. Moreover, **it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious**. In re Gorman, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed.Cir.1991). See also Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed.Cir.1985). The only purported motivation to combine the references to arrive at the invention of Claim 28 comes from the Examiner - NOT the prior art.

Claim 30 further defines the apparatus of Claim 20, further including a means for extracting a grammar from a hypermedia source on said information resource for future reference to said source. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a “browser”, a “browsing module for the Internet” and/or that such “browsing module” can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **“browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet”**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 30’s additional requirement, “further including a means for **extracting a grammar from a hypermedia source on said information resource for future reference to said source**”, is not taught by Houser. The Examiner explicitly admits that Houser does not teach or suggest, “further including a means for **extracting a grammar from a hypermedia source on said information resource for future reference to said source**” by relying upon Arons for such teaching (Office Action dated March 27, 2002, page 5, line 1). Appellant respectfully point out, to the contrary, that Arons does not teach or suggest, “further including a means for **extracting a grammar from a hypermedia source on said information resource for future reference to said source**”. Perhaps that is why no specific page and line citation is provided in Arons. If indeed such teaching exists, the Examiner should be required to cite such teaching or withdraw the rejection. Without any specific teaching in Arons for this further requirement, the Examiner’s determination about the teaching of Arons is supposition not supported by fact (*hindsight reconstruction*).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). It is clear from the above discussion that all of the limitations of Claim 30 are not taught or suggested by the Houser and Arons references.

Even if, arguendo, all of the claims limitations were present, "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, **absent some teaching or suggestion supporting the combination.** Under section 103, teachings of references can be combined **ONLY if there is some suggestion or incentive to do so.**" ACS Hosp. Systems, Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. **The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.** In re Gordon, 733 F.2d at 902, 221 USPQ at 1127. Moreover, **it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious.** In re Gorman, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed.Cir.1991). See also Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed.Cir.1985). The only purported motivation to combine the references to arrive at the invention of Claim 30 comes from the Examiner - NOT the prior art.

Claim 31 further defines the apparatus of Claim 21, further including a means for automatically producing an intelligent grammar from said information resource. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a "browser", a "browsing module for the Internet" and/or that such "browsing module" can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **"browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet"**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, arguendo, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 21's additional requirement that, "wherein said access of said information resource is accomplished in



part through use of a grammar **embedded in said information resource**", is not taught by Houser. Houser discloses that "grammar information which specifies HOW the words and commands may be used" (col. 8, lines 30-31), is stored **"in memory of terminal unit 16"** (col. 8, lines 36-38) – NOT in the "information resource", as required by Claim 21. Accordingly, the 35 USC 102(e) rejection of Claim 21 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 21 is not improper, Claim 31's additional requirement, "further including a **means for automatically producing an intelligent grammar from said information resource**", is not taught by Houser. The Examiner explicitly admits that Houser does not teach or suggest, "further including a **means for automatically producing an intelligent grammar from said information resource**" by relying upon Arons for such teaching (Office Action dated March 27, 2002, page 5, lines 1-2). Appellants respectfully point out, to the contrary, that Arons does not teach or suggest, "further including a **means for automatically producing an intelligent grammar from said information resource**". Perhaps that is why no specific page and line citation in Arons is provided by the Examiner. If indeed such teaching exists, the Examiner should be required to cite such teaching or withdraw the rejection. Without any specific teaching in Arons for this further requirement, the Examiner's determination about the teaching of Arons is supposition not supported by fact (*hindsight reconstruction*).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). It is clear from the above discussion that all of the limitations of Claim 31 are not taught or suggested by the Houser and Arons references.

Even if, *arguendo*, all of the claims limitations were present, "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, **absent some teaching or suggestion supporting the combination**. Under section 103, teachings of references can be combined **ONLY if there is some suggestion or incentive to do so**." *ACS Hosp. Systems, Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Although couched in terms of combining teachings found in the prior art, the same inquiry

must be carried out in the context of a purported obvious "modification" of the prior art. **The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.** In re Gordon, 733 F.2d at 902, 221 USPQ at 1127. Moreover, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. In re Gorman, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed.Cir.1991). See also Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed.Cir.1985). The only purported motivation to combine the references to arrive at the invention of Claim 31 comes from the Examiner - NOT the prior art.

Claim 32 further defines the apparatus of Claim 32, further including a means for processing said grammar to produce a reference to said hypermedia source. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a "browser", a "browsing module for the Internet" and/or that such "browsing module" can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **"browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet"**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 21's additional requirement that, "wherein said access of said information resource is accomplished in part through use of a grammar **embedded in said information resource**", is not taught by Houser. Houser discloses that "grammar information which specifies HOW the words and commands may be used" (col. 8, lines 30-31), is stored **"in memory of terminal unit 16"** (col. 8, lines 36-38) – NOT in the "information resource", as required by Claim 21. Accordingly, the 35 USC 102(e) rejection of Claim 21 is erroneous.

Even if, arguendo, the 35 USC 102(e) rejection of Claim 21 is not improper, Claim 31's additional requirement, "further including a **means for automatically producing an intelligent grammar from said information resource**", is not taught by Houser. The Examiner explicitly admits that Houser does not teach or suggest, "further including a **means for automatically producing an intelligent grammar from said information resource**" by relying upon Arons for such teaching (Office Action dated March 27, 2002, page 5, lines 1-2). Appellants respectfully point out, to the contrary, that Arons does not teach or suggest, "further including a **means for automatically producing an intelligent grammar from said information resource**". Perhaps that is why no specific page and line citation in Arons is provided by the Examiner. If indeed such teaching exists, the Examiner should be required to cite such teaching or withdraw the rejection. Without any specific teaching in Arons for this further requirement, the Examiner's determination about the teaching of Arons is supposition not supported by fact (hindsight reconstruction). As a result, the 35 USC 103(a) rejection of Claim 31 is erroneous.

Even if, arguendo, the 35 USC 103(a) rejection of Claim 31 is not improper, Claim 32's additional requirement, "further including a **means for processing said grammar to produce a reference to said hypermedia source**", is not taught by Houser. The Examiner explicitly admits that Houser does not teach or suggest, "further including a **means for processing said grammar to produce a reference to said hypermedia source**" by relying upon Arons for such teaching (Office Action dated March 27, 2002, page 5, lines 2-3). Appellants respectfully point out, to the contrary, that Arons does not teach or suggest, "further including a **means for processing said grammar to produce a reference to said hypermedia source**". Perhaps that is why no specific page and line citation in Arons is provided by the Examiner. If indeed such teaching exists, the Examiner should be required to cite such teaching or withdraw the rejection. Without any specific teaching in Arons for this further requirement, the Examiner's determination about the teaching of Arons is supposition not supported by fact (hindsight reconstruction). As a result, the 35 USC 103(a) rejection of Claim 32 is erroneous.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA

1974). It is clear from the above discussion that all of the limitations of Claim 32 are not taught or suggested by the Houser and Arons references.

Even if, *arguendo*, all of the claims limitations were present, "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, **absent some teaching or suggestion supporting the combination.** Under section 103, teachings of references can be combined **ONLY** if there is some suggestion or incentive to do so." ACS Hosp. Systems, Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. **The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.** In re Gordon, 733 F.2d at 902, 221 USPQ at 1127. Moreover, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. In re Gorman, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed.Cir.1991). See also Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed.Cir.1985). The only purported motivation to combine the references to arrive at the invention of Claim 32 comes from the Examiner - NOT the prior art.

Claim 33 further defines the apparatus of Claim 20, wherein said apparatus further includes a means for tokenizing a title for addition into said grammar. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a "browser", a "browsing module for the Internet" and/or that such "browsing module" can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **"browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet"**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

Even if, *arguendo*, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 33's additional requirement, "wherein said apparatus further includes a **means for tokenizing a title for addition into said grammar**", is not taught by Houser. The Examiner explicitly admits that Houser does not teach or suggest, "wherein said apparatus further includes a **means for tokenizing a title for addition into said grammar**" by relying upon Arons for such teaching (Office Action dated March 27, 2002, page 5, lines 3-4). Appellants respectfully point out, to the contrary, that Arons does not teach or suggest, "wherein said apparatus further includes a **means for tokenizing a title for addition into said grammar**". Perhaps that is why no specific page and line citation in Arons is provided by the Examiner. If indeed such teaching exists, the Examiner should be required to cite such teaching or withdraw the rejection. Without any specific teaching in Arons for this further requirement, the Examiner's determination about the teaching of Arons is supposition not supported by fact (*hindsight reconstruction*). As a result, the 35 USC 103(a) rejection of Claim 33 is erroneous.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). It is clear from the above discussion that all of the limitations of Claim 33 are not taught or suggested by the Houser and Arons references.

Even if, *arguendo*, all of the claims limitations were present, "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, **absent some teaching or suggestion supporting the combination**. Under section 103, teachings of references can be combined **ONLY** if there is some suggestion or incentive to do so." *ACS Hosp. Systems, Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. **The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.** *In re Gordon*, 733 F.2d at 902, 221 USPQ at 1127. Moreover, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the

teachings of the prior art so that the claimed invention is rendered obvious. In re Gorman, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed.Cir.1991). See also Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed.Cir.1985). The only purported motivation to combine the references to arrive at the invention of Claim 33 comes from the Examiner - NOT the prior art.

Claim 34 further defines the apparatus of 20, wherein said apparatus includes a means for dynamically adding said grammar to a speech recognizer. As pointed out by Appellants above, Houser fails to teach or suggest anything relating to a “browser”, a “browsing module for the Internet” and/or that such “browsing module” can be voice activated by the speech user agent. Accordingly, Houser fails to teach or suggest, a **“browsing module for the Internet or the World Wide Web (WWW) being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the Internet”**, as required by Claim 20. Accordingly, the 35 USC 102(e) rejection of Claim 20 is erroneous.

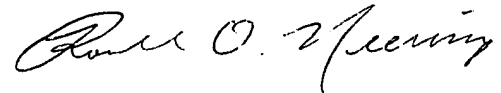
Even if, arguendo, the 35 USC 102(e) rejection of Claim 20 is not improper, Claim 34’s additional requirement, “includes a **means for dynamically adding said grammar to a speech recognizer**”, is not taught by Houser. The Examiner explicitly admits that Houser does not teach or suggest, “includes a **means for dynamically adding said grammar to a speech recognizer**” by relying upon Arons for such teaching (Office Action dated March 27, 2002, page 4, line 22 - page 5, line 1). Appellants respectfully point out, to the contrary, that Arons discloses “dynamically extending the database” (ABSTRACT, lines 14-15) – NOT “includes a **means for dynamically adding said grammar to a speech recognizer**”. Perhaps that is why no specific page and line citation in Arons is provided by the Examiner. If indeed such teaching exists, the Examiner should be required to cite such teaching or withdraw the rejection. Without any specific teaching in Arons for this further requirement, the Examiner’s determination about the teaching of Arons is supposition not supported by fact (hindsight reconstruction). As a result, the 35 USC 103(a) rejection of Claim 34 is erroneous.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). It is clear from the above discussion that all of the limitations of Claim 34 are not taught or suggested by the Houser and Arons references.

Even if, arguendo, all of the claims limitations were present, "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, **absent some teaching or suggestion supporting the combination.** Under section 103, teachings of references can be combined **ONLY** if there is some suggestion or incentive to do so." ACS Hosp. Systems, Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. **The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.** In re Gordon, 733 F.2d at 902, 221 USPQ at 1127. Moreover, **it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious.** In re Gorman, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed.Cir.1991). See also Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed.Cir.1985). The only purported motivation to combine the references to arrive at the invention of Claim 34 comes from the Examiner - NOT the prior art.

For the above reasons, favorable consideration of the appeal of the Final Rejection in the above-referenced application, and its reversal, are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ronald O. Neerings".

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# **Communications Standard Dictionary**

**Second Edition**

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Reston, Virginia



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## 110 Brillouin scattering

electrons at the resonant frequencies. The net result is that electromagnetic waves of the resonant frequencies are absorbed, while the others are passed. Crystals and certain glasses have the periodic microstructure, and therefore Brillouin diagrams can be drawn for them.

**Brillouin scattering.** The *scattering of lightwaves* in a *transmission medium* caused by thermally driven density fluctuations that cause *frequency shifts* of several gigahertz at room *temperature*.

**broadband.** See *wideband*.

**broadband system.** See *wideband system*.

**broadcast.** The *transmission method* whereby any number of organization, unit, *ship, aircraft*, or other *stations* may receive *messages transmitted* from a designated station. Transmission is usually in the form of *radio, television*, or *radiotelephone signals*. See *routine meteorological broadcast; special meteorological broadcast; time-signal standard-frequency broadcast*.

**broadcast area.** 1. One of the 12 numbered areas in which the world has been divided for purposes of operating the *merchant-ship broadcast system*. 2. The geographical area covered by the *signals* from a *radio station* or a *television station*.

**broadcast-area radio station.** See *ship broadcast-area radio station*.

**broadcast-communication method.** 1. A method of *transmitting messages or information* to a number of *receiving stations* that make no receipt. 2. A method of *communication* in which a *message* is *broadcast* and the *addressee* does not furnish a receipt. This method allows the *receiver* to maintain *radio silence*. It is used by *shore stations* to transmit messages to ships at sea, to aircraft in flight, or to units in the field. Synonymous with *broadcast method*. Also see *intercept-communication method; receipt-communication method; relay-communication method*.

**broadcast-communication net.** See *maritime broadcast-communication net*.

**broadcast frequency.** The *frequency* used to *broadcast messages* and programs by *radio*. For example, the frequency used to broadcast messages from a *shore station* to *ship stations*.

**broadcasting service.** A *radio-communication service* in which the *transmissions* are intended for direct *reception* by the general public. This service may include *sound, television*, or other types of transmission.

**broadcasting station.** 1. A *station* in a *broadcasting service* that *broadcasts only in sound (radio)*. 2. A *station* in a *broadcasting service* that *broadcasts in video*

result is that electromagnetic waves are passed, while the others are passed. microstructure, and therefore

variations in a transmission medium are those that cause frequency shifts of

any number of organization, unit, or message transmitted from a designated radio, television, or radiotelephone special meteorological broadcast;

areas in which the world has been divided into ship broadcast system. 2. The area in a radio station or a television

area radio station.

method of transmitting messages or data that make no receipt. 2. A method of broadcast and the addressee does not have to maintain radio silence. It is used for ships at sea, to aircraft in flight, and broadcast method. Also see interception method; relay-communication

broadcast-communication net.

broadcast messages and programs to broadcast messages from a shore

service in which the transmissions are to the public. This service may include radio.

broadcasting service that broadcasts only audio service that broadcasts in video

and sound (television). See aeronautical broadcasting station; international broadcasting station.

broadcast method. See broadcast-communication method.

broadcast net. See maritime patrol air-broadcast net.

broadcast operation. The transmission of information so that it may be received by stations that usually make no acknowledgment of receipt.

broadcast repeater. A repeater connecting several channels, one incoming and the others outgoing.

broadcast schedule. See ship broadcast schedule.

broadcast shift. See area broadcast shift.

broadcast station. See area broadcast station; marine broadcast station.

broadcast system. See merchant ship broadcast system (MERCAS).

broadside antenna array. A group of parallel dipole antennas placed in a single, usually straight, line.

browsing. Searching through a storage (memory) to locate or acquire information without knowing necessarily of the existence or the format of the information being sought.

b/sec. Bits per second.

bubble. A minute quantity of trapped free gas, or a small vacuum, in a transmission medium or optical element. A bubble usually consists of air or carbon dioxide, nitrogen, or water vapor. Bubbles, which are usually spherical, are formed when the medium, such as glass or plastic, is in the molten state because, in accordance with Pascal's principle, pressure is exerted equally in all directions against the surface tension of the molten medium. Bubbles cause dispersion, reflection, deflection, diffusion, absorption, and scattering of lightwaves.

bubble sort. An exchange sort in which the sequence of examination of pairs is reversed when an exchange of the position of items in a pair is made. Synonymous with sifting sort.

budget. See error budget; optical-power budget; power budget.

buffer. 1. To allocate, schedule, or use a computer program or storage to compensate for a difference in the rate of flow of data, or time of occurrence of events, when transferring data from one device to another. 2. An isolating

## APPENDIX

### CLAIMS ON APPEAL:

20. An apparatus, comprising:  
a speech user agent, and;  
a browsing module for the world wide web being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the world wide web.
21. The apparatus of Claim 20, wherein said access of said information resource is accomplished in part through use of a grammar embedded in said information resource.
22. The apparatus of Claim 21, further including a means for processing the verbal directions of a user based on said grammar.
23. The apparatus of Claim 22, further including a means for returning a result of said verbal directions to said user.
24. The apparatus of Claim 21, wherein said information resource is an HTML page.
25. The apparatus of Claim 20, further including an instructional module for communicating allowed actions by a user.
26. The apparatus of Claim 21, wherein said embedded grammar is a smart page grammar.

27. The apparatus of Claim 21, wherein said embedded grammar is a reference to a grammar located in said information resource.

28. The apparatus of Claim 21, wherein said grammar is dynamically added to a speech recognizer.

29. The apparatus of Claim 22, wherein said actions come from a speech recognizer.

30. The apparatus of Claim 20, further including a means for extracting a grammar from a hypermedia source on said information resource for future reference to said source.

31. The apparatus of Claim 31, further including a means for automatically producing an intelligent grammar from said information resource.

32. The apparatus of Claim 32, further including a means for processing said grammar to produce a reference to said hypermedia source.

33. The apparatus of Claim 20, wherein said apparatus further includes a means for tokenizing a title for addition into said grammar.

34. The apparatus of 20, wherein said apparatus includes a means for dynamically adding said grammar to a speech recognizer.

35. An apparatus, comprising:  
a speech user agent for accessing a browsing module for the world wide web, said speech user agent facilitating voice activation of said browsing module to access an information resource on the world wide web.

36. A method, comprising:  
embedding voice activated control information in HTML pages as delivered on the World Wide Web, wherein said voice control information is encoded in a grammar language and is interpreted by a Web client user-agent that translates user utterances into client actions.